Confidential.
Very Urgent.

To

The Secretary to the Government of Bombay,
Rehabilitation Department, Secretariat Annexe,
Mayo Road, Fort, Bombay-1.

R/A/29/4053. Bombay-1, 17th Dec.1951.

Subject:- Resignation by Government Servants without proper notice Forfeiture of pay in the event of.

Reference Government Circular, P.& S.D., No. 1531/34 dated the 20th September, 1951, on the subject mentioned above.

2. Government in the R.H.D. vide their circular No. R.76(B)/11843-D., dated the 6th June 1949, laid down that all temporary Government servants working under the administrative control of the R.H.D. should be required to sign an undertaking in the following form: -

> "I understand that my employment under Government as..... is temporary and that my services may be dispensed with at any time without notice and without any reasons being assigned and I accept the employment on this basis."

3. To the above undertaking the following addition was made by this Directorate:-

> "I also agree to give, one clear calendar month's notice to the Director of Rehabilitation in case I desire to get myself relieved from the post in which I am employed."

The above addition was considered necessary because from experience it was seen that cases of employees in this Directorate and the Colonies under its control leaving service abruptly were on the increase and with a view to maintaining discipline and avoiding inconvenience and dislocation in work resulting from sudden resignations, it was considered high time to put a stop to such a practice by the insertion of the above condition in the terms of employment. At the same time it may be pointed out that this additional condition was not very rigidly observed in genuine cases in which it would have operated very harshly. For example, if an employee of the organization had been offered immediate appointment elsewhere since the organization was temporary and it was not desirable to put obstacles in the way of his securing better and perhaps permanent employment he was relieved of his duties here immediately without being compelled to give a clear calendar month's notice.

4. Since the additional condition in question is apparently unilateral and its infringement now means forfeiture of pay as per orders conveyed in the Government circular quoted above, I would request clear orders of Government whether it may be allowed to remain since for forfeiture of pay for failure to give due notice, it seems necessary to lay down something specific to that effect in the undertaking to be executed by appointees.

5. Very early orders of Government in the matter are requested.

Sd/-
For Director of Rehabilitation,
Government of Bombay.

CSN.18.5.56

Confidential
2nd Reminder.

To

The Secretary to the Government of Bombay
Rehabilitation Department,
Civil Secretariat Annexe, Mayo Road,
Fort, Bombay-1.

No.R A/20/4058, Queen's Barracks, Bombay-1, 11th March 1952,

Subject: Resignation by Government servants without proper notice -- Forfeiture of pay in the event of -

Reference my letter of even number dated the 17th December 1951, on the subject mentioned above.

2. Early orders of Government in the matter are requested.

Sd/-
FOR DIRECTOR OF REHABILITATION,
Government of Bombay.

hsn.1/6

REHABILITATION DEPARTMENT.
"D BR."

Please see :

i) G.C.,P.& S.D.,NO.1581/34, dated dated the 9th August 1937,

ii) G.C.,RHD.,NO. R.79(B)/11843-D, dated the 6th June 1949,

iii) G.C., P. & S.D., No.1581/34,dated the 20th Septr. 1951.

2. For the reasons stated at A' of his letter dated the 17th Decr. 1951, the D. of R. considered it necessary to insert the addl. condition in the undertaking. Since the infringement of this addl. condition on the part of a tempy. Govt. servant would result in the forfeiture of his pay (exclusive of allowances) for the period of notice, the Dir. wants to know whether the addl. condition may be allowed to remain in the body of the undertaking.

3. The condition requires that the candidate to be appointed should give notice of one clear calendar month to the D. of R. before he could get himself relieved of the post. The imposition of this condition on the appointee would by itself be unjust, if the appointing authority, and in this case the D. of R., does not bind himself to give notice for the corresponding period. In equity, therefore, notice of one calendar month will be necy. on either side.

4. The point is however that the addl. condition inserted by the D. of R. seems to conflict with the usual undertaking whereby the services of a tempy. Govt. servant could be terminated at any time without the notice. In view of this and the consideration at 'A' above, it is suggested that

the D. of R. may be asked to delete the addl.

condition in the undertaking. P. & S.D. may see. u.o.

Id/-

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There was no need for the D. of R. to have inserted the additional clause in the undertakings, since, as appointing authority, he has the discretion to accept or not to accept immediatel y, the resignation of any person serving under him. In other words, the absence of this additional clause, would not deprive the D. of R. of the power to refuse acceptance of the resignation of any member of his staff, until the expiry of a full period of one month from the date of the letter of resignationl

P. & S.D. may see u.o. as proposed.

Id/-

U.O.R. to P. & S.D. No.R.76\B//3263-D
dt. the 27-2-1952 (with RHD file No.R.76(B) of 1949.)

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P. & S. D.
D

Seen and returned to the Rehabilitation Department.

2. P. & S.D. agrees with the view expressed by the Reh. Deptt. that on the ground of equity the condition marked 'X' on p.1 ante is not necessary.

Id/-

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Rehabilitation Deptt.
'D' Br.

P. & S.D. having concurred in this view taken by RHD, the accompanying draft orders may now issue.

hss.1

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To

The Director of Rehabilitation,
Bombay.

No.R.76(B)/7641-B. Bombay, 19th March 1952.

Subject: Resignation by Govt. servants without proper notice.
Forfeiture of pay in the event of -

Reference your letter (Confl.) No.R/A/29/4058, dt. the 17-12-1951, on the subject noted above.

2. Government considers that the retention of the additional condition, referred to in para 3 of your letter, in the body of the usual undertaking prescribed in G.C. P. & S.D. No.1561/36, dt. the 8-8-1947, would be unjustified on grounds of equity. As appointing authority, you are fully competent to accept or not to accept immediately the resignation of any person serving under you. The additional condition inserted in the body of the undertaking should therefore, be deleted and the action taken reported to Government.

Id/-

for Secretary to Govt.
Rehabilitation Department.

No.R/A/29/37

Directorate of Rehabilitation,
Government of Bombay,
Queen's Barracks, Bombay 1. 20th May,

To

The Chairman, Women's Section,
Directorate of Rehabilitation, Bombay.

The Administrator, Ulhasnagar Township,
Kalyan.

The Administrative Officer, Vocational Cent
Kalyan.

The Chief Medical Officer, Incharge, Displaced
persons' Colonies, Bombay,

All Officers Incharge of Colonies.

Subject: Execution of undertaking by temporary Government servants.

Hitherto the temporary employees of the Rehabilitation Organisation were being asked to execute undertaking in the following form.

" I understand that my employment under Government as — is temporary and that my services may be dispensed with at any time without notice and without any reasons being assigned and I accept the employment on this basis. I also agree to give a clear calendar month's notice to the Director of Rehabilitation, in case I am required to get myself relieved from the post in which I am employed".

Government have since desired that the following clause from the above mentioned proforma of undertaking should be deleted.

" I also agree to give a clear calendar month's notice to the Director of Rehabilitation, in case I am required to get myself relieved from the post in which I am employed."

Please therefore take action as follows under intimation to this Directorate.

a) the undertakings which have hitherto been got executed from your employees should be amended accordingly in the light of above referred to Government decision.

b) the undertaking which will hereafter be got executed from temporary Government servants should be got executed in the amended proforma.

Sd/-
FOR DIRECTOR OF REHABILITATION.
- Government of Bombay.

Copy forwarded to the Rehabilitation Department, with reference to Government letter, Rehabilitation Department, No. R.76(B)/Misc-B, dated the 18th March 1953.

2. Action with regard to amending undertakings executed by the employees of this Directorate (in the light of the contents of the above referred to Government letter) is being taken hon